IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 25315 of 2006(L)

PETITIONER:

VINITHA R, AGED 28 YEARS,
W/O.K.SANTHOSH (FORMER HIGH SCHOOL ASSISTANT (SOCIAL SCIENCE) T.T.T.M.V.H.S., SCHOOL, VADASSERIKARA) THAZHETHIL HOUSE, PRAMADOM, P.O.MULLASSERI, PATHANAMTHITTA.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

2. **THE DEPUTY DIRECTOR OF EDUCATION, PATHANAMTHITTA AT TIRUVALLA.**

3. **THE DISTRICT EDUCATION OFFICER, PATHANAMTHITTA.**

4. **THE MANAGER, T.T.T.M.V.H.S. SCHOOL, VADASSERIKKARA, PATHANAMTHITTA.**

5. SRI.BINU ABRAHAM, UPPER PRIMARY SCHOOL ASSISTANT, T.T.T.M.V.H.S. SCHOOL, VADASSERIKKARA, PATHANAMTHITTA.

ADDL. 6. THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

(ADDL. 6TH RESPONDENT IS SUO MOTU IMPLEADED AS PER THE JUDGMEN DATED 5.1.2007)

R1 TO R3 & ADDL.R6 BY SR. GOVT. PLEADER (SHRI T.T. MUHAMMED)

R5 BY ADV. SRI.V.SETHUNATH
R4 BY SRI.SAJJU.S
SRI. K.SHAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05.01.2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO. 25315 OF 2006 L

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER OF APPOINTMENT OF THE PETITIONER AND THE APPROVAL THEREOF BY THE DIST. EDL. OFFICER DATED 30.12.2003/04.05.2006.

EXT.P2 TRUE COPY OF THE LETTER OF THE MANAGER.

EXT.P3 TRUE COPY OF THE G.O.(P) NO. 187/2005/G. EDN. OF THE GOVERNMENT DATED 17.6.2005.

EXT.P4 TRUE COPY OF THE DECISION REPORTED IN 2006 (3) ILR KER. 247 DATED 27.6.2006.

EXT.P5 TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P.(C) NO.18355/2006 I DATED 13.7.2006.

EXT.P6 TRUE COPY OF THE LETTER NO.22243/J2/06/G. EDN.OF THE GOVERNMENT DATED 26.7.2006.

EXT.P7 TRUE COPY OF THE ARGUMENT NOTES SUBMITTED BEFORE DIST. EDL. OFFICER DATED 24.8.2006.

EXT.P8 TRUE COPY OF THE ORDER NO.B3-9581/2006 OF THE DIST. EDL. OFFICER DATED 25.8.2006.

EXT.P9 TRUE COPY OF THE DECISION REPORTED IN 2004(2) KLT S.N. PAGE 53, CASE NO.60, DATED 7.8.2002.

EXT.P10 TRUE COPY OF THE ORDER NO.B4/14256/06/L.DIS. OF THE DY. DIRECTOR OF EDUCATION DATED 6.11.2006.

RESPONDENTS' EXHIBITS:

EXT.R4(A) TRUE COPY OF THE ORDER OF THE THIRD RESPONDENT DATED 31.7.2006.

EXT.R4(B) TRUE COPY OF THE ORDER OF APPOINTMENT AND APPROVAL DATED 6.6.2001, 4.2.2002.

EXT.R4(C) TRUE COPY OF THE ORDER OF THE THIRD RESPONDENT DATED 5.5.2005.

EXT.R4(D) TRUE COPY OF THE FORWARDING LETTER AND APPLICATION BY REMY THOMAS DATED 14.6.06, 9.101.06.

EXT.R5(A) TRUE COPY OF THE APPOINTMENT ORDER BY THE FOURTH RESPONDENT DATED 5.6.2006.

EXT.R5(B) TRUE COPY OF THE ORDER NO.B3-6552/2006 DATED 31.7.2006.

EXT.R5(C) TRUE COPY OF THE APPOINTMENT ORDER AND APPROVAL DATED 31.7.2002.

EXT.R5(D) TRUE COPY OF THE APPOINTMENT ORDER AND APPROVAL DATED 25.11.2004.

EXT.R5(E) TRUE COPY OF THE APPOINTMENT ORDER AND APPROVAL DATED 25.11.2004.

EXT.R5(F) TRUE COPY OF THE STATUTORY APPEAL FILED BY THE FIFTH RESPONDENT DATED 8.9.2006.

EXT.R5(G) TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN W.P.(C). NO.25160/06 T. DATED 25.9.2006.

EXT.R5(H) TRUE COPY OF THE REVISION PETITION FILED BY FIFTH RESPONDENT BEFORE THE D.P.I.

EXT.R5(I) TRUE COPY OF THE ORDER OF THE D.P.I. VIDE NO.ET-3/52148/2003/DPI/D/DIS. DATED 16.8.2003.

EXT.R5(J) TRUE COPY OF THE ORDER OF THE D.P.I. VIDE NO.ET-3/78106/2003/DPI/D/DIS. DATED 1.12.2003.

EXT.R5(K) TRUE COPY OF THE G.O.(P) NO.31/2006/G. EDN.(J) DPT. DATED 19.1.2006.

EXT.R5(L) TRUE COPY OF THE G.O.(P) NO.169/2004/G.EDN.(J) DPT. DATED 15.6.2004.

EXT.R5(M) TRUE COPY OF THE CIRCULAR NO.65111/J2/2004/G.EDN. DATED 21.12.2004.

EXT.R5(N) TRUE COPY OF THE APPEAL FILED BY THE 5TH RESPONDENT BEFORE THE 2ND RESPONDENT AGAINST ORDER NO.B3/3270/2006/D.DIS. DATED 4.5.2006 OF THE THIRD RESPONDENT.

EXT.R5(O) TRUE COPY OF THE REVISION FILED BY 5TH RESPONDENT BEFORE THE D.P.I. AGAINST ORDER NO.B3/3270/2006/D.DIS. DATED 4.5.2006 OF THE THIRD RESPONDENT.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 25315 OF 2006 L

Dated this the 5th January, 2007

JUDGMENT

I heard learned counsel appearing for the petitioner, fifth respondent and the learned Government Pleader. Prayer in the Writ Petition is to implement Exts.P8 and P10 orders. Against Ext.P8, the fifth respondent filed Exts.R5(h) before the Director of Public Instruction. She has also filed Ext.R5(o) against Ext.P1 order before the Director of Public Instruction. The Director of Public Instruction is suo motu impleaded as additional 6th respondent. Heard the learned Government Pleader appearing for the Director of Public Instruction also.

2. In view of the fact that Revision Petitions are pending before the addl. 6th respondent, Director of Public Instruction purporting to be under Rule 8A of Chapter XIV A KER, the Writ Petition is disposed of directing the additional 6th respondent to consider and take a decision on Ext.R5(h) and R5 (o) in accordance with law, after hearing the petitioner and

respondents 4 and 5, within a period of two months from the date of receipt of a copy of this Judgment. It is open to the petitioner to rely on Ext.P4 Judgment and Ext.P6 clarification issued by the Government.

K. M. JOSEPH, JUDGE

kbk.